THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26798 of 2006

Dated: 02.01.2007

Between:

Eddula Bala Kistanna.

..... PETITIONER

AND

The Revenue Divisional Officer, Wanaparthy,

Mahaboobnagar District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.26798 of 2006

ORDER:

The petitioner is a resident of Pebbair Village. He is allegedly owner of land admeasuring Acs.4.24 cents in survey No.898 of said Village. The land admeasuring Acs.3.00 in survey No.904 of said Village, which is situated adjacent to the petitioner's land, was assigned to the fourth respondent on 22.08.2005. The petitioner alleges that instead of cultivating the land the fourth respondent started excavating the earth and selling it to others in contravention of conditions 1, 5 and 8 of the assignment order. The petitioner statedly approached the second respondent, namely, the Mandal Revenue Officer (MRO) on 07.12.2006 and submitted his representation for redressal, in vain. Hence in this writ petition, the petitioner seeks, *inter alia,* a direction to respondents 1 to 3 to stop excavation of mud/earth by the fourth respondent.

When the matter was initially heard on 26.12.2006, the learned Assistant

Government Pleader for Revenue (Assignment) sought time for getting instructions. Today, after getting instructions, the learned Assistant Government Pleader submits that MRO, after receiving the representation of the petitioner, inspected the land assigned to the fourth respondent on 28.12.2006 and found that the allegation made by the petitioner is not true. He also submits that the fourth respondent was found to have taken steps for levelling the land assigned to her for the purpose of cultivation. It is also submitted that the fourth respondent filed a suit, being O.S.No.178 of 2006, on the file of the Court of the Junior Civil Judge, Wanaparthy, against other third parties, when they tried to interfere with her possession.

In view of the submission made by the learned Assistant Government Pleader, the allegation that the respondents 1 to 3 failed to take action on the petitioner's representation cannot be accepted. MRO conducted inspection and found that the fourth respondent was only levelling the land and that there is no truth in the allegation that she has been selling the mud/earth. Therefore, this Court is not inclined to admit the writ petition for further enquiry. If so advised, the petitioner may produce evidence, if any, before MRO regarding his allegation against the fourth respondent and seek further redressal.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

02nd January, 2007

ghn